

(1) Front yards shall be 30 feet.

(2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.

(3) Rear yards shall be as required in the base zone.

Findings: With respect to the proposed prefabricated well house; the structure's front yard exceeds 30 feet, the rear yard exceed 130 feet, and the side yards exceed 1000 feet. See Exhibit 3. This standard is met.

(D) Off-street parking and loading shall be provided as required in MCC 39.6500 through 39.6600.

Findings: No structure requiring parking is proposed. These standards are not applicable.

(E) Signs for Community Service Uses pursuant to the provisions of MCC 39.6700 through 39.6820.

Findings: No signs are proposed. These standards are not applicable.

(G) Other minimum yards, restrictions or limitations of use or development not required under this subsection shall be as provided in the base zone.

Findings: Applicant has demonstrated compliance with all applicable standards.

D. Significant Environmental Concern Permits

§ 39.5500 PURPOSES

The purposes of the Significant Environmental Concern Overlay Zone subdistrict are to protect, conserve, enhance, restore, and maintain significant natural features which are of public value, including among other things, river and stream corridors, streams, lakes and islands, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

Findings: The application proposes work which is necessary for public health and safety while further protecting wildlife resources. The subject application proposes necessary utility and public health improvements to support public access and use of the park. The location for the proposed water service improvement was also selected to minimize any disturbances to SEC resources. Although not an applicable approval criteria, this application promotes the above SEC purpose statement.

§ 39.5505 AREA AFFECTED

(A) Except as otherwise provided in MCC 39.5510 or MCC 39.5515, the SEC shall apply to those lands designated SEC on the Multnomah County Zoning Map consisting of the following resource area designations:

Resource Area Designation:
SEC – wr: Water Resource Areas
SEC – sw: Scenic Waterway
SEC – h: Wildlife Habitat Resource Area

Findings: The project includes lands designated SEC-wr, SEC –sw, and SEC-h. Applicant demonstrates compliance with the applicable approval criteria below.

§39.5510 *USES; SEC PERMIT REQUIRED*

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

Findings: The proposed water service system replacement and improvement project is permitted on the property within the CFU zone, as demonstrated above and incorporated by reference. Applicant requests an SEC permit and demonstrates compliance with applicable SEC permit criteria below.

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

Findings: Applicant is not proposing to excavate or remove any materials of archaeological, historical, prehistorical, or anthropological significance. During construction, the project contractor will be provided with an inadvertent discovery plan to protect any discovered archaeological, historical, prehistorical, or anthropological significant resources. This standard is met.

§ 39.5515 *EXCEPTIONS*

(A) Except as provided in subsection (B) of this Section, an SEC permit shall not be required for the following:

(24) The placement of utility infrastructure such as pipes, conduits and wires within an existing right-of-way.

Findings: This project includes exempt and non-exempt elements. For those project elements in the existing right of way, no SEC review is required. However, the project includes elements that are located outside of the right of way and that require SEC review. The below narrative and SEC report demonstrate compliance with all applicable standards.

§ 39.5520 *APPLICATION FOR SEC PERMIT*

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860

Findings: Through this narrative and attached exhibits, applicant provides findings of consistency with the purposes of the applicable SEC districts and the applicable approval criteria supported by substantial evidence. Applicant addresses the approval criteria for the designated resources on the property where they are impacted by the proposed improvement project. This standard is met.

(A) An application for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.*
- (2) A map of the property drawn to scale showing:*
 - (a) Boundaries, dimensions, and size of the subject parcel;*
 - (b) Location and size of existing and proposed structures;*
 - (c) Contour lines and topographic features such as ravines or ridges;*
 - (d) Proposed fill, grading, site contouring or other landform changes;*
 - (e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;*
 - (f) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.*

Findings: All of the above required information is provided in this narrative and attached exhibits. See Exhibits 3 and 4. This application includes a written description of the proposed accessibility improvement project and how it complies with the approval criteria for each applicable SEC overlay. Maps, reports, and plan sheets depict and provide all of the above required information. This standard is met.

(B) SEC-Water Resource: In addition to the information requirements listed in MCC 39.5520(A) above, the following information shall be submitted for applications within the SEC-wr overlay.

- (1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a delineation of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;*
- (2) The location of wetlands;*
- (3) Information for the site from the adopted West of Sandy River Wildlife Habitat and Stream Corridor ESEE Report, the County Goal 5 Inventory;*
- (4) Preparation of plans and surveys – inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corp of Engineers Wetland Delineation Manual. Require reports include:*
 - (a) An assessment of the existing condition of the Water Resource Area in accordance with MCC 39.5580 Table 2, Riparian/Vegetated Corridor Standards;*

- (b) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in MCC 39.5580 Table 1;*
- (c) A detailed Mitigation Plan as described in 39.5800 (F), if required;*
- (5) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;*
- (6) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH);*
- (7) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, dredging, and vegetation removal, including the amounts and methods.*

Findings: Work through areas identified with a water resources overlay are within the right of way and therefore exempt from SEC permit requirements. However, all of the above required information for SEC-wr is provided in this narrative and attached exhibits. See Exhibits 3 and 4. This application includes a written description of the proposed improvement project and how it complies with the approval criteria the applicable SEC-wr overlay. Maps, reports, and plan sheets depict and provide all of the above required information. This standard is met.

§ 39.5525 APPLICABLE APPROVAL CRITERIA

(A) The approval criteria that apply to uses in areas designated ... SEC-sw ... SEC-wr and SEC-h on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by subscript letter in the zoning designation, as follows:

<i>Zoning Designation</i>	<i>Approval Criteria (MCC#)</i>
<i>SEC-wr (water resource)</i>	<i>39.5560 and 39.5800</i>
<i>SEC -sw (scenic waterway)</i>	<i>39.5600</i>
<i>SEC -h (wildlife habitat)</i>	<i>Type II Permit – 39.5560 and 39.5860</i>

Findings: The project includes lands designated SEC-wr, SEC-sw, and SEC-h. However, work in the right of way is exempt from SEC permit review. Applicant demonstrates compliance with the applicable approval criteria below.

(B) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

Findings: This application addresses the approval criteria for each of the designated resources on the property: SEC-wr, SEC-sw, and SEC-h. As demonstrated by the professional reports, no conflicting criteria exists for this project. This standard is met.

§ 39.5540 CRITERIA FOR APPROVAL OF SEC PERMIT

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on

Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Findings: The proposed water service system is designed to minimize impacts to, and protect, the natural resource, while also enhancing value to the public in providing potable water to the park. The location has been informed by a professional arborist to reduce impacts to existing trees and root systems. As demonstrated in the alternative analysis below, the chosen project location is designed to replace the water line in its existing location, in the right-of-way, along the roadway, and in already developed areas. The proposed location of the new well and pump facility is on disturbed, graveled storage area behind the Welcome Center. The design does not further infringe or intrude upon the Sandy River's water resource values. No design elements are visible from the river. See Exhibits 3 and 5.

The project does not propose any land clearing since the project is situated in a previously developed "cleared areas." Two trees are proposed for removal; one western cedar (*Thuja plicata*) (17-inch diameter breast height (dbh)) located at the new well location and one isolated Douglas fir (*Pseudotsuga menziesii*) (20-inch dbh) located within the alignment and storage area. The understory beneath both trees has been used for storage and/or dirt piles. There is not shrub understory or native groundcover beneath them. There are no wetlands in the project area.

To protect water quality and habitat resources, erosion control and tree protection measures will follow Multnomah County Code standards. Clearing limit boundaries will be clearly flagged and maintained, and there will be no disturbances beyond the flagged clearing limits. Erosion control fencing and straw wattles will be installed and maintained throughout construction. Tree protection fencing will be installed and maintained to protect trees in the vicinity of the construction boundary. See Exhibit 3. This standard is met.

(B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Findings: Impacts to forest land is limited to the greatest extent possible, preserving forest use. The water service system replacement project was selected to minimize tree removal, excavation, and vegetative clearing. The location has been informed by a professional arborist to reduce impacts to existing trees and root systems.

The project location chosen is an already developed and disturbed landscape. The new well and pump facility is proposed in an existing storage area adjacent to existing park infrastructure.

The project does not propose any land clearing since the project is situated in a previously developed "cleared areas" of the right of way, roadway, operations yard, graveled areas, and developed areas. Two trees are proposed for removal; one western cedar (*Thuja plicata*) (17-inch diameter breast height (dbh)) located at the well location and one isolated Douglas fir (*Pseudotsuga menziesii*) (20-inch dbh) located within the alignment and storage area. The understory beneath both trees has been used for storage and/or dirt piles. There is not shrub

understory or native groundcover beneath them. There are no wetlands in the project area. See Exhibit 3.

The confinement of the water pipe alignment to existing right-of-way and disturbed areas avoids disturbance to the forest lands, allowing for the preservation and maintenance of the forest use. This standard is met.

(C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Findings: The proposed water service system improvements are located in a manner consistent with balancing functional considerations and the preservation of areas of environmental significance. The water line replacement and new well and pump facility were designed to minimize impacts to, and protect the natural resource, while also enhancing value to the public in providing safe, potable water. The design does not further infringe or intrude upon the natural resource values. See Exhibits 3 and 4. The State of Oregon has also confirmed that the location and design does not intrude upon the State Scenic Waterway. See Exhibit 5. This standard is met.

(D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.

Findings: The proposed water service system improvements are designed to minimize impacts to, and protect the natural resource, while also enhancing value to the public in providing potable water to the park. As demonstrated in the alternative analysis below, the chosen project location is designed to replace water lines in their existing location, in the right-of-way, along the roadway, and in already developed areas. The proposed location of the new well and pump facility is on disturbed, graveled storage area behind the Welcome Center. The design does not further infringe or intrude upon the Sandy River's water resource values. No design elements are visible from the river.

The project does not propose any land clearing since the project is situated in a previously developed "cleared areas." Two trees are proposed for removal; one western cedar (*Thuja plicata*) (17-inch diameter breast height (dbh)) located at the new well location and one isolated Douglas fir (*Pseudotsuga menziesii*) (20-inch dbh) located within the alignment and storage area. The understory beneath both trees has been used for storage and/or dirt piles. There is no shrub understory or native groundcover beneath them. There are no wetlands in the project area.

To protect water quality and habitat resources, erosion control and tree protection measures will follow Multnomah County Code standards. Clearing limit boundaries will be clearly flagged and maintained, and there will be no disturbances beyond the flagged clearing limits. Erosion control fencing and straw wattles will be installed and maintained throughout construction. Tree protection fencing will be installed and maintained to protect trees in the vicinity of the construction boundary. See Exhibits 3 and 4. This standard is met.

(E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Findings: The application proposes work which is necessary for the continued public health and safety of the park while further protecting wildlife resources. The subject application proposes necessary water service line replacement and improvements to support public health and safety and public use of the park. Vandalism and unpermitted access to the proposed water service system replacement and improvement is not a factor or issue. This standard is met.

(F) Significant fish and wildlife habitats shall be protected.

Findings: Disruption to wildlife habitats will be minimal, if any, and only temporary during construction. See Exhibit 4. The proposed improvements do not reduce wildlife habitat elements such as cover and food resources within the vegetative corridor. Disruption to wildlife habitat from construction will be minimal, as it will occur in the right-of-way and already cleared, heavy use areas.

The proposed water service system improvements were designed to minimize impacts to, and protect the natural resource, while also enhancing value to the public in providing safe, potable water. The design does not infringe or intrude upon the Sandy River's water resource values. The new well and pump facility is located behind the Welcome Center, more than 1,000 feet from the Sandy River. The project does not propose any land clearing since the project is situated in a previously developed "cleared areas." There are no wetlands in the project area. See Exhibit 3.

Attaches as Exhibit 4 a SEC report and worksheet that provides additional findings that demonstrate compliance. This standard is met.

(G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.

Findings: The proposed improvements do not infringe on natural vegetation along the Sandy River, stream, or wetland areas and have been carefully designed to confine the work area to existing disturbed and developed areas. See Exhibit 3. This standard is met.

(H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Findings: To date, no cultural resources have been recorded for Oxbow Regional Park or the adjacent properties. This standard is met.

(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

Findings: The design does not further infringe or intrude upon the Sandy River's water resource values. A small portion of the project is in a portion of the road right-of-way within the floodplain, although over 300 feet from the river (an area of the project which is exempt from SEC review). See Figure 1 and Exhibit 7. However, no work is proposed in or near the water. No wetlands will

be disturbed. The waterline is below the surface, in the location of the existing waterlines, and does not adversely alter any water areas or floodplain.

The proposed water service system improvements were designed to minimize impacts to, and protect, the natural resource, while also enhancing value to the public in providing safe, potable water. This standard is met.

(J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

Findings: The extent of land clearing for this project is minimal as pipeline and water service elements will be installed in already cleared, disturbed areas. As indicated by the Exhibit 3 plan sheets, applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. Equipment will be staged in designated areas. Equipment access areas will be flagged to prevent equipment from encroaching into the water resource areas. Applicant is proposing improvement work that is intended to minimize erosion by limiting ground disturbance and grading areas to already developed and disturbed areas and road right of way.

To protect water quality and habitat resources, erosion control and tree protection measures will follow Multnomah County Code standards for Best Management Practices (BMPs). Tree protection fencing will be installed and maintained to protect trees in the vicinity of the construction boundary where needed. Erosion control measures will be installed and maintained throughout construction. This standard is met.

(K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Findings: The application proposes work which is intended to conserve the quality of air, water, land resources, and ambient noise levels. The proposed accessibility improvements will have no impact on air, water and land resources. No increase in ambient noise levels at the park will result from the improvement. Any disturbances will be temporary and associated with construction. This standard is met.

(L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

Findings: The improvement project proposes to install a small, prefabricated structure (14ft x 11.5ft) to protect and house the new well pump facility and water storage tanks. The small metal water storage tanks are needed to supply flow to support fire suppression systems and emergency services as required by the Gresham Fire Department. The proposed well house will be constructed of concrete and all associated design, bulk, construction materials, and color will be compatible with the character and visual quality of the area. No lighting is proposed. See Exhibit 3. This standard is met.

(M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Findings: The project area has not been identified specifically as having fragile or endangered plant habitat. Even so, the proposed improvements are designed to protect and improve that natural state and habitat of the Sandy River corridor. This standard is met or otherwise not applicable.

(N) The applicable policies of the Comprehensive Plan shall be satisfied.

Findings: The proposed improvements maintain forest land, protect wildlife habitat areas, and enhance recreation. As such, the policies of Multnomah County Comprehensive Chapter Four: Forest Land are satisfied. This standard is met.

§ 39.5560 *GENERAL REQUIREMENTS FOR APPROVAL IN THE WEST OF SANDY RIVER
PLANNING AREA DESIGNATED AS SEC-WR OR SEC-H.*

The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas located in the West of Sandy River Planning Area in addition to the provisions of 39.5800 or 39.5860 as applicable.

(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

Findings: As indicated by the plan sheets, applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. Equipment will be staged in designated areas. Equipment access areas will be flagged to prevent equipment from encroaching into the water resource and habitat areas. Applicant is proposing improvement work that is intended to minimize erosion by limiting ground disturbance and grading areas exclusively to existing cleared and developed areas. The project does not propose any land clearing since the project is situated in previously developed “cleared areas” of the roadway, gravel areas, and park recreational amenities.

In addition, applicant will implement erosion control measures. Permit level designs, which include erosion control measures, can be found in Exhibit 3 at Sheets G5 and C33. This standard is met.

(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

Finding: No lighting is proposed. This standard is inapplicable or otherwise met.

(C) The nuisance plants in MCC 39.5580 Table 1, in addition to the nuisance plants defined in MCC 39.2000, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone.

Findings: All plant material used will be consistent with native plants currently found on site. No nuisance plants will be used as landscape plantings. This standard is met.

1. 5.H.5 – SCENIC WATERWAY (SEC-sw)

§ 39.5600- SEC-sw CRITERIA FOR APPROVAL

Except as otherwise provided in this Subpart, all development within the SEC-sw shall be subject to the following:

(A) The application for the SEC-sw permit shall include a letter from the Oregon Parks and Recreation Department indicating that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.

Findings: The water service system improvement project is within the SEC-sw overlay. A letter from the State of Oregon Parks and Recreation Department indicates that the proposed work is consistent with the Oregon Scenic Waterways Management Plan. See Exhibit 5. The approval included conditions of approval, all of which are, or will be satisfied prior to project completion. This standard is met.

(B) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Findings: The proposed improvements do not infringe on natural vegetation along the Sandy River, stream, or wetland areas and have been carefully designed to confine the work area to existing disturbed and developed areas. Except for the two trees that are required to be removed to locate the new well and pump facility, where existing, vegetation will remain. Those two trees serve no screening function in the highly disturbed, developed, and utilized public area. This standard is met.

(C) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Findings: Impacts to forest land is limited to the greatest extent possible, preserving forest use. The water service system replacement project was selected to minimize tree removal and vegetative clearing. The location has been informed by a professional arborist to reduce impacts to existing trees and root systems.

The project location chosen is an already developed and disturbed landscape. The water storage tanks, new well, and well house are proposed in an existing cleared area, adjacent to existing park infrastructure.

The project does not propose any land clearing since the project is situated in a previously developed “cleared areas.” Confining the water pipe alignment to existing right-of-way and disturbed areas avoids disturbance to the forest lands, allowing for the preservation and maintenance of the forest use.

The subject property is designated CFU on the Multnomah County Zoning Map. As stated in § 39.4050, the purpose of the CFU district is in part to provide for recreational opportunities which are compatible with forests use. The subject application proposes necessary public health and safety improvements to maintain and enhance use of the park. This standard is met.

(D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Findings: A letter from the State of Oregon Parks and Recreation Department indicates that the proposed work, as located and proposed, is consistent with the Oregon Scenic Waterways Management Plan. See Exhibit 5.

Except for the two trees that are required to be removed to locate the new well and pump house, where existing, vegetation will remain. The trees proposed for removal serve no screening function in the highly disturbed, developed, and utilized area. This standard is met.

(E) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion.

Findings: A letter from the State of Oregon Parks and Recreation Department indicates that the proposed work, as located and proposed, is consistent with the Oregon Scenic Waterways Management Plan. See Exhibit 5. The proposed improvements do not infringe on natural vegetation along the Sandy River, stream, or wetland areas and have been carefully designed to confine the work area to existing disturbed and developed areas. This standard is met.

(F) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Findings: To date, no cultural resources have been recorded for Oxbow Regional Park or the adjacent properties. This standard is met.

(G) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

Findings: The extent of land clearing for this project is minimal as pipeline will be installed in already cleared, disturbed areas. As indicated by the plan sheets, applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. Equipment will be staged in designated areas. Equipment access areas will be flagged to prevent equipment from encroaching beyond what is necessary for the improvement work. Applicant is

proposing improvement work that is intended to minimize erosion by limiting ground disturbance and grading areas to already developed and disturbed areas and road right of way.

To protect water quality and habitat resources, erosion control and tree protection measures will follow Multnomah County Code standards for Best Management Practices (BMPs). Tree protection fencing will be installed and maintained to protect trees in the vicinity of the construction boundary where needed. Erosion control measures will be installed and maintained throughout construction. See Exhibit 3 at Sheets G5 and C33. This standard is met.

(H) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

Findings: The improvement project proposes to install a small, prefabricated structure to protect and house the new well pump facility and water storage tanks. The metal water storage tanks are needed to supply flow to support fire suppression systems and emergency services as required by the Gresham Fire Department. The proposed well house will be constructed of concrete and all associated design, bulk, construction materials, and color will be compatible with the character and visual quality of the area. No lighting is proposed. This standard is met.

(I) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Findings: The project area has not been identified specifically as having fragile or endangered plant habitat. This standard is met or otherwise not applicable.

2. 5.H.9 – WATER RESOURCE (SEC-wr)

§ 39.5800 CRITERIA FOR APPROVAL OF SEC-WR PERMIT – WATER RESOURCE

(A) Except for the exempt uses listed in MCC 39.5515 and the existing uses pursuant to 39.5550, no development shall be allowed within a Water Resource Area unless the provisions of section (B) or (C) or (D) below are satisfied. An application shall not be approved unless it contains the site analysis information required in 39.5520(A) and (C), and meets the general requirements in MCC 39.5560.

Findings: Applicant's demonstration of compliance with subsection (C) is below. That portion of the water line work in the road right of way is exempt for SEC review. The site analysis required in § 39.5520(A) and (C), as well as applicant's response to the general requirements in § 39.5560, are above and incorporated by reference. The extent of ground disturbance has been minimized by selecting a water line replacement alignment in the right-of-way, roadway, and in already disturbed areas. Erosion control measures will be installed and maintained in accordance to Multnomah County Code and will protect natural resources from potential erosion. This standard is met.

(C) Alternatives Analysis - Development proposed within a Water Resource Area may be allowed if there is no alternative, when the other requirements of this Overlay including the Development Standards of subsection (E) and the provisions for Mitigation in subsection (F) are met. The applicant shall prepare an alternatives analysis which demonstrates that: (1) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area; and (2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use; (3) Development shall occur as far as practically possible from the stream; and (4) The Water Resource Area can be restored to an equal or better condition; or (5) Any net loss on the property of resource area, function and/or value can be mitigated.

Findings:

1) *No practicable alternatives to the requested development exist due to the nature of the proposed water line and water facility replacement and improvement project.*

The subject application is intended to and necessary to the health, safety, and the quality of visitor recreational use of the park and its unique destinations. Portions of the project within the exiting right of way are exempt from SEC review. Development within the Water Resource Area is unavoidable due to the location of the existing waterline within the right-of-way. The existing water line in need of replacement is located within the right-of-way and roadway through the park. Two sections of the waterline replacement are within the Water Resource Overlay: a 500-foot west section ("west") and 1,000-foot east section ("east"). Both sections of replacement are restricted to the existing roadway.

Within the west section, replacement will be installed through open trenching following the centerline of the road. This installation approach limits temporary disturbance and will not result in permanent disturbance within the overlay. A small, unnamed stream crosses the road via culvert within this section and will not be disturbed. Additionally, the banks of the stream on either side of the road will not be disturbed. The current condition of the stream is considered "excellent" and as no net loss of resource area function will occur, no restoration is proposed or required.

Within the east section, there are no streams or wetlands. A previous report submitted to Metro (and the County in prior application reviews) determined that inclusion of this area into the overlay is in error, as no water resources occur within it (Siskiyou BioSurvey, 2014). The closest resource to the road where the proposed disturbance would occur is more than 200 feet from the top of the bank. As such, the east section is not considered subject to or otherwise satisfies the conditions of the development within the overlay. See Exhibit 4.

The water system and water line infrastructure was constructed by Multnomah County in the 1960s and serves the entire park. See Exhibit 15. The water system is now reaching the end of its serviceable life.

To address the need to replace the water system, Metro's project team analyzed the water system infrastructure and developed a design to provide safe, potable water for park uses and fire and emergency service providers. This standard is met.

2) *Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use.*

The proposed improvement project was designed to minimize impacts. The proposed disturbance areas is the minimum necessary for construction. As demonstrated by the plans, development impacts will be controlled and limited to the area necessary to allow for the improvement work. Applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. Equipment access areas will be flagged to prevent equipment from encroaching into the water resource areas.

The chosen project location is the only constructible location to replace the existing the waterline. The design does not further infringe or intrude upon the Sandy River's water resource values. All work is proposed along the existing right of way and roadway. The project location chosen is an already developed and disturbed landscape.

The project does not propose any land clearing since the project is situated in a previously developed "cleared areas." No trees in the Water Resource Area are proposed for removal. There are no wetlands in the project area.

To protect water quality and habitat resources, erosion control and tree protection measures will follow Multnomah County Code standards. Clearing limit boundaries will be clearly flagged and maintained and there will be no disturbances beyond the flagged clearing limits. Erosion control fencing and straw wattles will be installed and maintained throughout construction. Tree protection fencing will be installed and maintained to protect trees in the vicinity of the construction boundary. See Exhibit 3. This standard is met.

3) *Development shall occur as far as practically possible from the stream;*

The proposal, as explained above and below, will have little to no impact on the Water Resource.

There is no practicable alternative to the waterline replacement project or the location proposed. The waterline replacement project is necessary to provide health, safety, and the quality of the visitor recreational use of the park.

The design does not further infringe or intrude upon the Sandy River's water resource values. The project location chosen is an already developed and disturbed right-of-way and road surface, comprised of paved asphalt and with compacted gravel and soil and grass along the edges. Replacement of the waterline in its existing alignment is the only site location with little to no impact on the Water Resource Area. This standard is met.

4) *The Water Resource Area can be restored to an equal or better condition;*

The location of the section of waterline to be replaced within the Water Resource Area is within the right-of-way and roadway and in marginal condition habitat due to the cleared forest canopy with no shrub understory or native groundcover. The project does not propose to remove trees within the Water Resource Area and the adjacent Sandy River vegetated corridor will remain in good condition due to the existing extensive native forest habitat. This standard is met.

5) *Any net loss on the property of resource area, function and/or value can be mitigated.*

The proposed water service system replacement does not result any net loss of the resource area. This standard is met.

(E) Development Standards- Development within the Water Resource Area shall comply with the following standards:

(1) Development of trails, rest points, view-points, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.

Findings: The water service line replacement project does not propose the development of trails, rest points, view-points, or other facilities within the overlay. Applicant's waterline replacement project is designed to minimize the impacts on the natural resource, while allowing for continued safe, enjoyment of the natural resource by park visitors.

The proposed improvement project is in an already disturbed and heavily used area of the park. The proposed disturbance areas is the minimum necessary for construction. Applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. Equipment access areas will be flagged to prevent equipment from encroaching into the water resource areas.

The design does not infringe or intrude upon the Sandy River's water resource values. The project does not propose any land clearing since the project is situated in a previously developed "cleared areas." There are no wetlands in the project area. This standard is met.

(2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater) shall be removed without a one-for-one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.

Findings: Applicant is not proposing to develop in an area of dense standing trees, nor is applicant proposing tree removal in the Water Resource Area. This standard is met.

(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drain age courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.

Findings: Applicant is not proposing to develop in an area of dense standing trees or vegetation. The area is defined as a "cleared area." The project does not propose any tree removal in the Water Resource Area. This standard is met.

(4) The Water Resource Area shall be restored to "good condition" and maintained in accordance with the mitigation plan pursuant to (E) below and the specifications in Table 2.

Findings: The Water Resource Area adjacent to the project area is already in “good condition.” The proposed improvements within the overlay will only occur within previous existing roadway and will not require any disturbance to canopy or vegetated area, and as such, no restoration is required. This standard is met.

(5) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.

Findings: The proposed improvements have been carefully designed to minimize the work area within the vegetative corridor, protecting existing vegetation to the greatest extent practicable. As indicated by the plan sheets, applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. No trees within the Water Resource Area will be used as anchors or will be used for stabilizing construction equipment. Tree protective fencing will be installed and maintained to protect trees and tree root zones in the vicinity of the construction boundary. Equipment access areas will be flagged to prevent equipment from encroaching into the Water Resource Area. This standard is met.

(6) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be re-placed with non-nuisance plants by the next growing season.

Findings: The proposed improvement activities within the overlay will not result in removal of vegetation or disturbance of original land contours. If present, nuisance plants in the action areas will be removed and replaced with non-nuisance vegetation. This standard is met.

(7) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this district. Such markings shall be maintained until construction is complete.

Findings: As indicated by the plan sheets, applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. Equipment access areas will be flagged to prevent equipment from encroaching into the water resource areas. Erosion control fencing and straw wattles will be installed and maintained throughout construction. Tree protection fencing will be installed and maintained to protect trees in the vicinity of the construction boundary. This standard is met.

*(8) Stormwater quantity control and quality control facilities:
(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.
(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and*

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

Findings: No new impervious surface is proposed in the Water Resource Area. No storm water quantity or quality facility is necessary or proposed and stormwater mitigation is otherwise not required. Stormwater management in association with construction will be managed through best practices implementation and be maintained throughout the project cycle. This standard is not applicable or is otherwise satisfied.

(F) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This section establishes how mitigation can occur.

Findings: Applicant acknowledges the with the mitigation sequence outlined in § 36.5800(F)(2)(b). Impacts have been minimized by locating the new well and pump facility in an already cleared existing storage area outside of the Water Resource Area. Impacts have also been minimized by confining the water pipe alignment to existing right-of-way, roadway, and developed areas. The proposed improvements within the overlay will only occur within previous existing roadway and will not require any disturbance to canopy or vegetated area, and as such, no restoration is required. See Exhibits 3 and 4. This standard is met.

(3) Mitigation Plan Standards:

(a) A description of adverse impacts that could be caused as a result of development.

Findings: The waterline replacement project does not propose land clearing within the Water Resource Area. No habitat will be cleared and there is no herbaceous or shrub understory. The project was designed to have no permanent impacts to natural resources.

No water quality impacts to the Sandy River are anticipated. The development area is generally flat, and drainage mostly slopes away from the river and runoff will infiltrate into the forest or percolate into the sandy soils.

Disruption to wildlife habitat will be negligible since the proposed site is an actively used road through the park. Wildlife will continue to use the native forest and access the river. Construction activities will temporarily discourage wildlife use of the immediate vicinity but will occur within an area that was designed to accommodate human activity.

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

Findings: Impacts within the Water Resource Area cannot be avoided but will be minimized by replacing the water line in its existing alignment within the right-of-way and road area. Impacts are minimized by restricting the activities in the resource area. Disturbance boundaries will be clearly flagged and maintained and there will be no disturbances beyond the flagged clearing limits. No trees are proposed for removal within the Water Resource Area and due to the extensive adjacent native forest habitat, the forest will continue to provide “good condition”

habitat. Erosion control fencing and straw wattles will be installed and maintained throughout construction to protect water quality. Tree protection fencing will be installed and maintained to protect trees in the vicinity of the construction boundary.

(c) A list of all responsible parties including, but not limited to the owner, applicant, contractor or other persons responsible for work on the development site.

Findings: Metro is the responsible party, owner, and applicant. A contractor has not yet been selected.

(d) A map drawn to scale showing where the specific mitigation activities will occur.

Findings: No mitigation is required as there will be no impacts to natural resources. This standard is not applicable or otherwise met.

(e) An implementation schedule including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan.

Findings: Metro is planning for project construction in 2024/25 and will publicly procure for the project following permit approval.

3. 5.H.10 – WILDLIFE HABITAT (SEC-h)

§ 39.5850- SEC-H CLEAR AND OBJECTIVE STANDARDS.

(A) At the time of submittal, the applicant shall provide the application materials listed in MCC 39.5520(A) and 39.5860(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in MCC 39.5860(B)(1) through (4)(a)- (c) and (B)(5) through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 39.5860 may be submitted.

Findings: All of the above required information is provided in this narrative and attached exhibits. This application includes a written description of the proposed water service system replacement and improvement project and how it complies with the approval criteria for each applicable SEC overlay. Maps, reports, and plan sheets depict and provide all of the above required information. This standard is met.

(B) The proposed development shall meet the applicable stormwater and ground disturbing activity requirements of MCC 39.6200 through 39.6235. Ground disturbing activity within 100 feet of a water body as defined by MCC 39.2000 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.

Findings: Metro understands the requirements of applicable stormwater and ground disturbing activity requirements of MCC 39.6200 through 39.6235. Following preliminary land use review, applicant will submit a grading and erosion control application and flood hazard development application. The project site is not within 100 feet of a water body. This standard is and can be met.

(C) The nuisance plants listed in MCC 39.5580 Table 1 shall not be used as landscape plantings within the SEC-h Overlay Zone. (D) For development that fails to meet all of the standards listed in this section, a separate land use application pursuant to MCC 39.5860 may be submitted.

Findings: All plant material used will be consistent with native plants currently found on site. No nuisance plants will be used as landscape plantings. This standard is met.

§ 39.5860 *CRITERIA FOR APPROVAL OF SEC-H PERMIT – WILDLIFE HABITAT*

(A) In addition to the information required by MCC 39.5520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

- (1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas; For the purposes of this section, a forested area is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan;*
- (2) Location of existing and proposed structures;*
- (3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;*
- (4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.*

Findings: The proposed improvement location is in the interior of Oxbow Regional Park, within existing non-forested "cleared areas." Any section of waterline alignment within a forested area will be restricted to horizontal drilling that will not result in above ground disturbance or tree removal. All of the above required information is provided in this narrative and attached exhibits. Included in this application are reports prepared by Pacific Habitat Services. See Exhibit 4. The report and worksheets provide additional responses and findings to applicable criteria. Together, the maps, reports, photographs, and plan sheets depict and provide all of the above required information. This standard is met.

(B) Development standards:

(1) Where a parcel contains any nonforested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Findings: The proposed water system replacement and improvements will significantly increase public health and safety by replacing the water system that is at the end of its serviceable life. The replacement and improvement project is contained in the existing "cleared area" (by definition). See Exhibits 3 and 4. The project was designed to minimize impact on forested areas and tree removal. Any section of waterline alignment within a forested area will be restricted to horizontal drilling that will not result in above ground disturbance or tree removal. The proposed site surface disturbance areas are characterized as asphalt, compacted gravel and soil, and lawn area. This standard is met.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

Findings: The proposed improvements are within 200 feet of the public access road serving the park. The proposed improvements run along SE Oxbow Park Road, which provides public access through the park. The road, in this location, is owned and managed by Multnomah County and Metro, both public agencies. As determined in case file T3-2015-3903 (which conditionally approved Oxbow Regional Park and its existing improvements as a Community Service Use), the road network serving Metro's Oxbow Regional Park facilities and services is deemed a "public road" as required by SEC-h criteria. As proposed, the water system replacement and improvements are either within the footprint of the public access road or are adjacent to the existing asphalt drive serving the park. This standard is met.

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

Findings: The proposed improvements are adjacent to the existing public access road. No new access road construction is proposed. This standard is met or otherwise not applicable.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.

Findings: The proposed improvements are accessed via the existing public access road as described above. No new access road or driveway approaches are proposed. The diagram

showing the standards in (a) and (b) above do not represent the subject circumstances, which are intended to regulate access driveways onto County roads, as well as new intersection and sight distance standards. This standard is met or otherwise not applicable.

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

Findings: The surrounding property is owned and/or managed by Metro and consists of large lot resource land which comprises Metro's Oxbow Regional Park. There is no neighboring development that applicant is required to cluster to. This standard is not applicable.

(6) Fencing within a required setback from a public road shall meet the following criteria:
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.
(c) Cyclone, woven wire, and chain link fences are prohibited.
(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.
(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

Findings: The proposed improvements do not include any new fencing. This standard is met or otherwise not applicable.

(7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

Findings: The proposed improvements and revegetation plans do not include the planting of any nuisance plants. All nuisance plant species observed will be removed. This standard is met.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist. (1) The applicant cannot meet the development standards of subsection (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required to allow the use;

Findings: As demonstrated and determined by Pacific Habitat Services, applicant understands that it does and has demonstrated compliance with the above standards and criteria in subsection (B) and therefore a Wildlife Conservation Plan (WCP) is not required for this project. Although a WCP is not needed to support the proposed improvement, applicant includes a WCP attachment within the Pacific Habitat Services report to further discuss this element. See Exhibit 4.

(3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

Findings: Applicant's water system replacement and improvement project is designed to minimize the impacts on the natural resource, while allowing for enjoyment of the natural resource by the public.

The proposed improvement project is located in an already disturbed and heavily used area of the park. The proposed disturbance area is the minimum necessary for construction. As demonstrated by the plans, development impacts will be controlled and limited to the area necessary to allow for the improvement work. Applicant is implementing best management practices to limit disturbances to areas adjacent to the improvement work. Equipment access areas will be flagged to prevent equipment from encroaching into the water resource and habitat areas.

The design does not further infringe or intrude upon the Sandy River's water resource values. The project does not propose any land clearing since the project is situated in a previously developed "cleared areas." There are no wetlands in the project area. This standard is met.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

Findings: Applicant is not proposing any newly created "cleared areas." Work is to occur in existing "cleared areas." This standard is met.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

Findings: No fencing is proposed. This standard is met.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

Findings: Applicant is not proposing any newly created "cleared areas." Work is to occur in existing "cleared areas." As such, no restoration is required. This standard is met.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

Findings: The proposed water system replacement and improvement project does not propose to disturb stream riparian areas. No streams or riparian areas will be altered. This standard is met or otherwise inapplicable.